

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CHRISTINA LIEF F/B/O TASHA LIEF,

C.A NO.:06-274 *GMS*

Plaintiff,

v.

CAPE HENLOPEN SCHOOL DISTRICT and  
the DELAWARE DEPARTMENT OF  
EDUCATION,

Defendants.

RESPONSE TO THE NOTICE OF  
REMOVAL

*RG scanned*  
FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2006 MAY 10 PM 3:34

NOW COMES THE PLAINTIFF HEREIN, CHRISTINA LIEF F/B/O TASHA LIEF, by and through her undersigned counsel, Bruce A. Rogers, Esquire, who does respond to the Notice of Removal as follows:

1. Admitted.
2. Admitted.
3. Sentence one is admitted. Sentence two is specifically denied. Specifically, 20

U.S.C. 1415(I)(2)(A) states that the **aggrieved party** has the right to bring a civil action in this regard. In this instance, the Plaintiff filed a timely appeal in the Family Court of the State of Delaware in and for Sussex County, in accordance with 14 Delaware Code Section 3142. There is no nexus or other connection with the forum selected for removal. All witnesses, records, exhibits, documents and matters related to this matter are located in Sussex County, rather than New Castle County. Petitioner presently resides out of state but has facilities for her stay in Sussex County. Petitioner's counsel and office is located in Sussex County with no branch or satellite office in New Castle County. Defendant's counsel (Young, Conaway, Stargatt and

Taylor) maintains an office in Sussex County, less than three blocks from the Court house.

Defendant's counsel, Department of Justice, maintains an office in Sussex County, less than four blocks from the Court house. The sole reason for removal by the Defendants is to inconvenience the Plaintiff, increase her expenses and cause additional and undue hardship by requiring the matter to be litigated in New Castle County, rather than in the situs of the action (Sussex County). Further, Defendants have shown no extenuating circumstances which would necessitate the removal of this case to federal court rather than in the forum selected by the aggrieved party.

4. Admitted this Court has concurrent or supplemental jurisdiction over the special education statutes of Delaware, however, Defendants have failed to allege, aver or prove that the exercise of such supplemental or concurrent jurisdiction is necessary in this case.

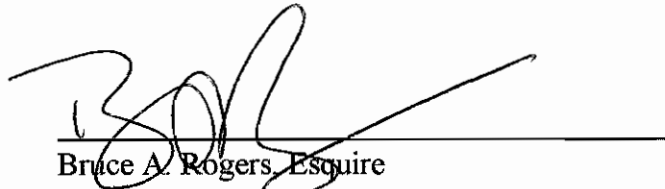
5. No answer is required to this averment.

6. No answer is required to this averment.

7. No answer is required to this averment.

WHEREFORE, Plaintiff respectfully requests that the Defendants' Notice of Removal be denied and the matter proceed in the forum selected by the aggrieved party, the Plaintiff herein.

Respectfully submitted,



Bruce A. Rogers, Esquire  
Bruce A. Rogers, P.A.  
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Georgetown, DE 19947  
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(302)856-7176 - facsimile  
Email: brucer-law@verizon.net  
Attorney for Plaintiff, Lief

Date: 5/4/06

**AFFIDAVIT OF MAILING**

**BE IT REMEMBERED**, that on this 5<sup>th</sup> day of May, 2006, personally appeared  
before me, the Subscriber, a Notary Public for the State and County aforesaid,  
Lisa Cannon, a secretary for the law firm of BRUCE A. ROGERS, P.A.,  
ATTORNEY AT LAW, Georgetown, Delaware, and being by me duly sworn according to law,  
deposes and say that on the 5<sup>th</sup> day of May, 2006 they forwarded two copies of the  
Response to the Notice of Removal in the above captioned case by U.S. Mail, to:

Clerk of the Family Court  
22 The Circle  
Georgetown, DE 19947

Scott A. Holt, Esquire  
Michael P. Stafford, Esquire  
The Brandywine Building  
P.O. Box 391  
Wilmington, DE 19879-0391

Craig A. Fitzgerald, Esquire  
Department of Justice  
102 West Water Street  
Dover, DE 19904

Lisa Cannon

**SWORN TO AND SUBSCRIBED** before me the day, month and year aforesaid.

Dawn M. Carey  
**NOTARY PUBLIC**

DAWN M. CAREY  
NOTARY PUBLIC  
STATE OF DELWARE  
MY COMMISSION EXPIRES 2/11/08

IM: Robert Massett BLDG. MSB-252-1  
SUSSEX CORRECTIONAL INSTITUTION  
P.O. BOX 500  
53E 337363  
GEORGETOWN, DELAWARE 19947

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